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**WATER POLLUTION CONTROL ADVISORY COUNCIL**  
**Metcalf Building, Room 111**  
**1520 East Sixth Avenue, Helena, MT**  
**November 2, 2012**  
**Meeting Minutes**

**Attendance**

***Council Members Present:*** Trevor Selch, Keith Smith, Michael Wendland, and, Kathleen Williams.

***Council Members Via Phone:*** Earl Salley and Karen Bucklin Sanchez.

***Meeting Recorder Present:*** Laurie Crutcher and Stephanie Crider.

***Department Personnel Present:*** Amy Steinmetz, Eric Urban, Tom Reid, Bob Bukantis, and David Dennis.

**Call to Order**

The meeting was called to order at 10:04 a.m. by Chairman Trevor Selch.

**Approval of Agenda**

The agenda was approved by the council without objections.

**Approval of Minutes**

Mr. Michael Wendland moved to accept the minutes as written; Mr. Keith Smith seconded the motion. All council members voted in favor; the motion carried.

**ACTION ITEMS**

**Montana Pollutant Discharge Elimination System – Concentrated Animal Feeding Operations (CAFO)**

Mr. Tom Reid presented changes that have been made to the CAFO rule package. He defined an animal feeding operation as a facility where animals are confined and corralled for a minimum of 45 days. Mr. Reid stated that the majority of these rules were adopted in the DEQ-9 Circular. The rule package is attempting to authorize most discharges from a CAFO under a general permit. In order for a CAFO to obtain a permit it must develop and implement a nutrient management plan. Mr. Smith motioned to send the CAFO rule package to the Board of Environmental Review (BER) with the stipulation that any substantial changes come back to the council as a briefing item. Mr. Wendland seconded this motion; a voice vote was called and all were in favor. The motion carried.

**Selection of Date for First Meeting of 2013**

Typically, WPCAC meetings occur about four weeks ahead of the BER meetings. The council must have 30 days to review any item prior to its publication in the Montana Administrative Register. The tentative first meeting dates for BER are either January 25<sup>th</sup> or February 4<sup>th</sup>. The two suggested meetings dates for WPCAC are January 4<sup>th</sup> or January 11<sup>th</sup>. Chairman Selch motioned to have the first meeting of 2013 on January 11<sup>th</sup>; Mr. Smith seconded the motion. A voice vote was called, and all council members were in favor. The motion passed.

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## **BRIEFING ITEMS**

### **Silver Bow Creek Water-Use Classification Review**

Ms. Amy Steinmetz provided a briefing of the work that DEQ is currently doing to reclassify Silver Bow Creek. The specific portion of Silver Bow that she spoke about is the mainstem from the confluence of Blacktail Creek to Warm Springs Creek. There are only three 'I' classifications in Montana at this time, and it is the goal of DEQ to remove this classification category altogether. There have been significant cleanup efforts along Silver Bow, especially mine reclamation. These efforts have resulted in less pollutants and increasing fish populations. Ms. Steinmetz stated that DEQ will come back to the council in 2013 with the intent to proceed to BER for rule making.

### **As Requested – A Discussion of Legal Action on Clean Water Act Guidance**

Mr. Eric Urban and Mr. David Dennis answered questions regarding the current status of legal action on the Clean Water Act Guidance. Mr. Dennis explained that there are four different mining associations that have stated that EPA has overstepped their rights. The district courts have agreed with the mining associations and stated that if EPA wants to issue restrictions or mandates, that must be done through rulemaking rather than guidance. Another issue is the term wetlands. In Montana, if there is surface water connecting the wetland and a water body, then the wetland is a water of the state, and if there isn't a surface water connection, the wetland is not water of the state.

### **Public Comment**

Mr. Bob Bukantis stated that he is working part-time at DEQ. He thanked the council for the plaque that they gave him, and stated that he enjoyed working with the council over the years.

### **Agenda Items for Next Meeting**

The next meeting will be on January 11, 2013. The meeting calendar for 2013 will be discussed as well as determining a chairperson. There will likely be an update on the CAFO briefing item. Finally, the council requested a briefing of the items from DEQ that will be presented during the legislative session.

### **Adjournment**

The meeting was adjourned at 11:43 a.m.

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## Referenced Links for the Meeting Materials

(Sites last updated 11/15/2012)

### **Agenda –**

<http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes\2012\November2\Agenda.pdf>

Agenda Links:

- Approved minutes from August 24, 2012  
<http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes\2012\August24\FINALAug24Minutes.pdf>
- Montana Pollutant Discharge Elimination System – Concentrated Animal Feeding Operations (CAFO) Rule Package  
[http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes\2012\November2\CAFO\\_AgendaForm.pdf](http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes\2012\November2\CAFO_AgendaForm.pdf)
- CAFO draft rules  
<http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes\2012\November2\DraftCAFORules.pdf>
- Silver Bow Creek Water-Use Classification Review  
<http://www.deq.mt.gov/wqinfo/wpcac/agendasminutes\2012\november2\silverbowagendaform.pdf>
- Silver Bow Creek Presentation  
<http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes\2012\November2\SilverBowCreekEDITS.pdf>